

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA**

In re

Case No. 04-81923-WRS

Chapter 13

GERALDINE HOLLOWAY,

Debtor

MEMORANDUM DECISION

This Chapter 13 case came before the Court for hearing on July 26, 2006, pursuant to the Court's notice of hearing. (Doc. 54). The Chapter 13 Trustee was present but Ruth S. Sullivan, counsel for the Debtor was not.

This Chapter 13 case was filed on December 22, 2004. On April 27, 2005, the Court confirmed the Debtor's Chapter 13 Plan. (Doc. 21). On April 28, 2006, the Chapter 13 Trustee filed a motion to dismiss the Debtor's case because payments under the Plan had not been timely remitted. (Doc. 43). On May 18, 2006, Sullivan filed a response to the Trustee's motion. (Doc. 45). The Court scheduled the motion for hearing for June 14, 2006. (Doc. 46). Sullivan failed to appear and as a result, the Trustee's motion was granted and this case dismissed. (Doc. 47). On July 7, 2006, Sullivan filed a motion to reinstate this Chapter 13 case, alleging that the payments had been withheld from the Debtor's wages but not timely remitted by the Debtor's employer. (Doc. 53).

The motion to reinstate was scheduled for hearing on July 26, 2006. In the meantime, the employer remitted the payments previously withheld but not timely paid over to the Trustee. Sullivan did not appear at the July 26, 2006 hearing and made no effort to contact the Trustee.

As it appears that the Debtor was in fact making the payments, the Court will reinstate the Chapter 13 case.

The problem here is that Debtor's counsel Ruth Sullivan is not responding to inquiries from the Trustee and is not appearing for hearings in Court. In proceedings styled In re Wadman, Case No. 02-81255, the Court sanctioned Sullivan for similar behavior. Sullivan has shown a pattern of not responding to the Court or to the Chapter 13 Trustee thereby hindering the efficient operation of both the Court and the Chapter 13 Trustee. The Court will, by way of a separate order, require Sullivan to repay the \$1,600 fee previously paid to her in this case.

Done this 21st day of August, 2006.

/s/ William R. Sawyer
United States Bankruptcy Judge

c: Debtor
Ruth S. Sullivan, Attorney for Debtor
Curtis C. Reding, Trustee